

06 SEP. 2005

From the INTERNATIONAL BUREAU

Erled. 186 970

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rule 72.2)

To:

ESA PATENTVERWERTUNGSA GENTUR
SACHSEN-ANHALT GMBH
Breitscheidstrasse 51
39114 Magdeburg
ALLEMAGNE

RECEIVED

SEP 14 2005

LAW OFFICES OF
KARL HORMANN

Date of mailing (day/month/year)

01 September 2005 (01.09.2005)

Applicant's or agent's file reference

P200301-FHA

IMPORTANT NOTIFICATION

International application No.

PCT/DE2003/004076

International filing date (day/month/year)

10 December 2003 (10.12.2003)

Applicant

ESA PATENTVERWERTUNGSA GENTUR SACHSEN-ANHALT GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, GR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 70

Translation

PATENT COOPERATION TREATY

PCT/DE2003/004076



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|--|---|--|
| Applicant's or agent's file reference P200301-FHA | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/DE2003/004076 | International filing date (day/month/year) 10 December 2003 (10.12.2003) | Priority date (day/month/year) 16 January 2003 (16.01.2003) |
| International Patent Classification (IPC) or national classification and IPC A23L 1/317 | | |
| Applicant ESA PATENTVERWERTUNGSA GENTUR SACHSEN-ANHALT GMBH | | |

| | |
|---|---|
| 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | |
| 2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. | |
| <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). | |
| These annexes consist of a total of <u>2</u> sheets. | |
| 3. This report contains indications relating to the following items: | |
| I | <input checked="" type="checkbox"/> Basis of the report |
| II | <input type="checkbox"/> Priority |
| III | <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> Lack of unity of invention |
| V | <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> Certain documents cited |
| VII | <input type="checkbox"/> Certain defects in the international application |
| VIII | <input type="checkbox"/> Certain observations on the international application |

| | |
|---|--|
| Date of submission of the demand 10 July 2004 (10.07.2004) | Date of completion of this report 29 November 2004 (29.11.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/004076

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1, 3-8, as originally filed
 pages _____, filed with the demand
 pages 2, filed with the letter of 21 June 2004 (21.06.2004)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-4, filed with the letter of 21 June 2004 (21.06.2004)
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/04076

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-------|-----|
| Novelty (N) | Claims | 1 - 4 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1 - 4 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1 - 4 | YES |
| | Claims | | NO |

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-0130228

D2: EP-A-0641857

D3: EP-A-0572305

Document D1 discloses (abstract; page 3, line 18 to page 4, line 4; examples; claims) a method for producing raw sausage by an accelerated ripening process and with a rapid increase in the microorganism count of *Lactobacillus* by the addition of metallic salts.

Document D2 discloses (abstract; illustrations; claims) a method for producing raw sausage by an accelerated ripening process and with a rapid increase in the microorganism count of *Lactobacillus*.

Document D3 discloses (abstract; figure 2; claims) a method for producing raw sausage by an accelerated ripening process and with a rapid increase in the microorganism count of *Micrococcus* and/or *Lactobacillus*.

Document D1 is considered the prior art closest to the subject matter of claim 1.

The subject matter of claim 1 thus differs from the known method by the addition of folic acid and/or folates in an even distribution.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/04076

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem to be solved by the present invention can thus be seen as that of providing an alternative method for stimulating natural biological processes and achieving improved quality in meat products that are to be produced. The solution to the above problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) because neither document D1 nor any of the other prior art documents contains anything that would suggest to a person skilled in the art a method with the technical features of claim 1.

Claims 2-4 are dependent upon claim 1 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.